

On June 3, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 packages of absorbent cotton at Woodside, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 7, 1938, by the New Aseptic Laboratories from Columbia, S. C.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hospital Absorbent Cotton Tri-Boro Wholesale Drugs."

The article was alleged to be adulterated in that it was represented to be absorbent cotton, whereas it did not conform to the standard established by the United States Pharmacopoeia for absorbent cotton.

It was alleged to be misbranded in that its labeling was false and misleading since the United States Pharmacopoeia describes absorbent cotton as "the hairs of the seed of cultivated varieties of *Gossypium herbaceum* Linné or other species of *Gossypium* (Fam. *Malvaceae*) freed from adhering impurities and linters and deprived of fatty matter"; whereas examination showed that the article had not been freed from adhering impurities since it was contaminated with aerobic and anaerobic or facultative anaerobic micro-organisms including gas-producing anaerobes and molds.

On September 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29770. Adulteration and misbranding of Briolina Famous Salts. U. S. v. 354 Packages of Briolina Famous Salts. Default decree of condemnation and destruction. (F. & D. No. 43053. Sample No. 21458-D.)**

This product was sold as a beverage base. Analysis showed that it contained the coal-tar drug phenolphthalein.

On July 19, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 354 packages of Briolina Famous Salts at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about May 19, 1938, by the Citrine Co. from Toledo, Ohio; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated under the provisions of the law applicable to food in that a substance, namely, phenolphthalein, a coal-tar cathartic drug, had been mixed and packed with it so as to injuriously affect its quality; in that phenolphthalein, a coal-tar cathartic drug, which is not a salt, had been substituted in whole or in part for the article; and in that it contained an added deleterious ingredient, phenolphthalein, which might have rendered it injurious to health.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its purity fell below the professed standard and quality under which it was sold, namely, "Briolina Famous Salts," since it contained phenolphthalein, which is not a salt.

It was alleged to be misbranded under the provisions of the law applicable to food in that the statements on the label, "Briolina Famous Salts" in English; "delicious beverage," "the king of citrates" in Italian, and "Positively does not contain any habit forming drug" in Italian and English, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing a coal-tar drug, phenolphthalein.

On September 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29771. Misbranding of Dodd's New Discovery. U. S. v. 69 Bottles of Dodd's New Discovery. Default decree of condemnation and destruction. (F. & D. No. 42984. Sample No. 24531-D.)**

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On June 27, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Dodd's New Discovery at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce on or about January 31, 1938, from West Memphis, Ark., by Stotts Medicine Co.; and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article showed that it consisted essentially of water, sugar, alcohol, chloroform, oil of sassafras, and menthol.

Misbranding was alleged in that the following statements falsely and fraudulently represented the curative or therapeutic effectiveness of the article: "  
\* \* \* New Discovery for the relief of lung bronchial troubles, coughs,  
\* \* \* pneumonia, croup, bronchitis, asthma and phthisic."

On September 24, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29772. Adulteration and misbranding of sandalwood oil capsules. U. S. v. 900 Capsules and 800 Capsules of Sandalwood Oil. Default decree of condemnation and destruction.** (F. & D. Nos. 42501, 42502. Sample Nos. 20991-D, 20992-D.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the standard laid down therein, since it contained a derivative of phthalic acid, a benzyl compound such as benzyl alcohol, and a terpeneol; and its own standard was not declared.

On June 7, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,700 capsules of sandalwood oil at Michigan City, Ind.; alleging that the article had been shipped in interstate commerce on or about March 18, 1938, from New York, N. Y. by Petrolene Laboratories, Inc.; and charging adulteration and misbranding of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, "Sandalwood Oil," but differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the label.

Misbranding was alleged in that the statement on the label, "Capsules Sandalwood Oil Pure East India (U. S. P.)," was false and misleading since it represented that the article was the volatile oil distilled with steam from the dried heartwood of *Santalum album*, whereas it contained a derivative of phthalic acid, a benzyl compound such as benzyl alcohol, and terpeneol. Misbranding was alleged further in that the article was an imitation of and was offered for sale under the name of another article "sandalwood oil."

On August 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**29773. Misbranding of Histosan. U. S. v. Ernst Bischoff Co., Edward T. Bischoff, and Harrie H. Newcomb. Pleas of guilty. Fines, \$225.** (F. & D. No. 39790. Sample Nos. 31637-C, 33570-C, 37097-C.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On April 28, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernst Bischoff Co., a corporation, New York, N. Y., and Edward T. Bischoff and Harrie H. Newcomb, officers of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about February 26, 1937, to on or about May 7, 1937, from the State of New York into the States of Ohio and Illinois, of quantities of Histosan which was misbranded. The article was labeled in part: "Histosan \* \* \* Histosan, Inc. \* \* \* New York, N. Y."

Analysis of the article showed that it consisted essentially of sugar, water, and alcohol with small amounts of guaiacol, ammonium chloride, sodium sulfate, and protein material.

The article was alleged to be misbranded in that statements borne on the label and in a circular enclosed with it falsely and fraudulently represented its therapeutic and curative effectiveness as a treatment for acute and chronic bronchitis, pneumonia, and other pulmonary diseases; as a preventive of the complications which follow simple colds and recurrent colds such as bronchitis, pneumonia, and tuberculosis; as a treatment for pulmonary ailments and some bowel conditions; as a valuable antiseptic of many chronic conditions and as a cure thereof; as a treatment for pulmonary troubles; as a relief from coughs